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**UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.
INSC-109.3

Total Pages in this Submission

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application

Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for invention entitled:

METHOD FOR FILLING A VIAL

and invented by:

Daniel Py**If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:**☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/393,966

Which is a:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/781,846

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 23 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications *(if applicable)*
 - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
 - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings *(if filed)*
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

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Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal Number of Sheets 8
- b. ☐ Informal Number of Sheets _____
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby
incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CRF)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. ☐ Assignment Papers *(cover sheet & document(s))*
10. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
11. ☐ English Translation Document *(if applicable)*
12. ☒ Information Disclosure Statement/PTO-1449 ☒ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail *(Specify Label No.):* EV396915451US

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Accompanying Application Parts (Continued)

17. ☐ Additional Enclosures *(please identify below):*

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

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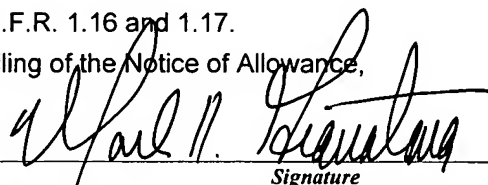
Total Pages in this Submission

Fee Calculation and Transmittal

CLAIMS AS FILED

| For | #Filed | #Allowed | #Extra | Rate | Fee |
|--|--------|----------|--------|-----------|----------|
| Total Claims | 28 | - 20 = | 8 | x \$18.00 | \$144.00 |
| Indep. Claims | 2 | - 3 = | 0 | x \$86.00 | \$0.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 |
| BASIC FEE | | | | | \$770.00 |
| OTHER FEE (specify purpose) _____ | | | | | \$0.00 |
| TOTAL FILING FEE | | | | | \$914.00 |

- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 50-1402 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of \$914.00 as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).


Signature

Mark D. Giarratana (Reg. No. 32,615)
McCarter & English, LLP
CityPlace I
185 Asylum Street
Hartford, CT 06103
tel: 860-275-6719
fax: 860-724-3397

Dated:

cc:

PATENT

In re Application of: Daniel Py

Serial No.: N/A

Filing Date: Herewith

For: **METHOD FOR FILLING A VIAL**

Docket No. INSC-109.3

Express Mailing Label No.: **EV396915451US**

Date of Deposit: October 27, 2003

Exhibit no. Swift
Name: Elizabeth M. Swift

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Daniel Py)
Serial No.: N/A)
Filing Date: Herewith)
For: **METHOD FOR FILLING A VIAL**) Docket No. INSC-109.3
)
)

Box Patent Application
Commissioner for Patents
Washington, D.C. 20231

COVER LETTER UNDER MPEP 201.06(c)

Sir:

Applicant submits herewith a patent application under 37 CFR § 1.53(b) which is a continuation of U.S. Ser. No. 10/393,966, filed March 21, 2003, entitled "Method for Filling a Vial", which is a division of U.S. Ser. No 09/781,846, now U.S. Patent No. 6,604,561, entitled "Medicament Vial Having a Heat-Sealable Cap and Apparatus and Method for Filling the Vial", and claims the benefit of U.S. Provisional Application Serial No. 60/182,139, filed February 11, 2000, entitled "Heat-Sealable Cap For Medicament Vial", the disclosures of which are incorporated by reference in their entirety as part of the present disclosure.

Provided herewith are a new specification and drawings and a copy of the signed Declaration and Power of Attorney filed in parent application U.S. Ser. No. 09/781,846.

The presently filed specification and drawings differ from the specification and drawings originally filed in the parent application only in that amendments made in the prior applications have been incorporated herein, and the Cross-Reference to Related Application section has been updated. Therefore, it is respectfully submitted that the new specification and

drawings do not contain any subject matter that would have been new matter in the parent application.

The claims presented in the present application include only those claims which were filed in parent application Ser. No. 10/393,966. The Preliminary Amendment submitted herewith amends those claims and presents additional claims corresponding in scope with those claims allowed in grandparent application U.S. Ser. No. 09/781,846, now U.S. Patent No. 6,604,561. Accordingly, the claims do not contain any subject matter that would have been new matter in the parent application.

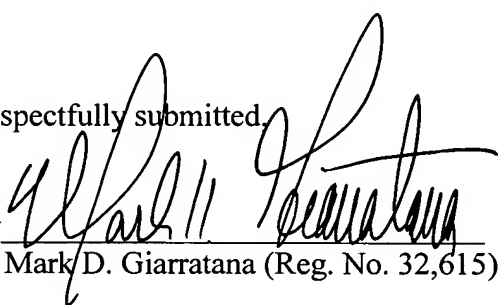
It is respectfully submitted that the claims are allowable, and an early action to that effect is earnestly solicited.

Date: 27 October 2003

PTO Correspondence Address:

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Respectfully submitted,

By 
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HARTFORD: 601281.01